



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898
DEC 14 1999

IN REPLY
REFER TO:

MP-440
WTR-4.10

Mr. Harry Schueller
Chief, Division of Water Rights
State Water Resources Control Board
PO Box 2000
Sacramento CA 95812-2000

Subject: Petition for Temporary Urgency Change - Applications 5626, 5628, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 16767, 17374, and 17376 (Applications 5626, et al.) - Permits 12721, 11967, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 11971, 11973, and 12364, Respectively - Central Valley Project and State Water Project - 1999/2000 Forecasted Operations

Dear Mr. Schueller:

Enclosed is a petition for a temporary urgency change of Reclamation Applications 5626, et al. Reclamation is filing under Water Code §1435, for a temporary urgency change to add the State Water Project's (SWP) Harvey O. Banks Pumping Plant as an additional point of diversion and redirection. This petition is being filed to facilitate the storage of Central Valley Project (CVP) water in the Federal share of San Luis Reservoir and bring the Reservoir to full capacity in the spring of 2000.

The forecasts for CVP and SWP operations for 1999/2000 show that the CVP will not be able to fill the Federal share of San Luis Reservoir without the use of the SWP Banks Pumping Plant. The impact of not being able to fill the Federal share of San Luis Reservoir will be a lower allocation than would otherwise be made to CVP contractors or a lower Federal share of San Luis Reservoir at the end of water year 2000.

Approval of this petition will allow CVP water under permitted Applications 5626, et al. to be directly diverted and redirected at the SWP Banks Pumping Plant and delivered through the SWP facilities to O'Neill Forebay and thence to San Luis Reservoir.

Reclamation proposes to accomplish this through use of SWP Banks Pumping Plant in February and March of 2000. The SWP would otherwise use this capacity at Banks to move water into the unused space in the Federal San Luis Reservoir; however, the SWP will make this capacity available to Reclamation and Reclamation will fill the Federal share of San Luis Reservoir. This petition and the proposed use of the joint point of diversion by Reclamation was discussed and recommended at the CALFED Management Meeting on December 9, 1999. This group includes representatives of Reclamation, the Department of Water Resources, the Department of Fish and Game, the Fish and Wildlife Service, and the National Marine Fisheries Service.

The enclosed petition provides for a complete description of the proposed action and statement of the "Urgent Need" for this Temporary Urgency Change under permitted Applications 5626 et al.

An agreement will be developed between Reclamation and the Department of Water Resources for the use of the SWP facilities for the delivery and conveyance of water for this action.

During the period of this action, the CVP and SWP will be operated to meet all applicable terms and conditions of our water rights and other requirements. These include the provisions of Order WR 95-6, as amended by Order WR 98-9, the biological opinions for winter-run Chinook salmon and delta smelt, and the protection plan for spring run salmon, and the response plan for water levels in the south Delta.

Based on the Draft Initial Study (copy to be sent under separate cover) being prepared by Reclamation for this action, Reclamation concludes that use of the SWP Harvey O. Banks pumping facilities, for this temporary urgency change action, is in the public interest and will not adversely affect any legal user of water or cause any significant environmental effects on fish and wildlife or water quality.

Pursuant to the provisions of Public Resources Code, §10005, payment in the amount of \$850, made payable directly to the Department of Fish and Game, has been submitted under separate cover by way of a Public Voucher for Purchases and Services in connection with a previous petition filed and withdrawn during November 1999. The Department of Fish and Game has agreed that the \$850 for the November 1999 petition that was withdrawn will be applied as payment in full for this petition. The State Water Resources Control Board (SWRCB) previously indicated that water right actions such as the subject petition will not be processed until this payment is received. Reclamation continues to make this payment under protest.

It is Reclamation's understanding that the administrative process fee of \$100 needed to process the petition is covered under the service contract currently in place, between Reclamation and the SWRCB, for services rendered by the SWRCB staff.

If you have any further questions regarding this petition, please contact Ms. Jo Ann Struebing of our Water Rights staff at (916) 978-5249 (TDD 978-5608).

Sincerely,



Robert F. Stackhouse
Regional Resources Manager

Enclosure

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